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Attorneys for Defendant
SYNERGY HOMECARE FRANCHISING, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

John Han, an individual, Alice Lai-Bitker, an individual, Veris Eastbay Homecare, Inc., a California corporation

Plaintiffs,

vs.

Synergy Homecare Franchising, LLC, an Arizona limited liability company,

Defendant.

CASE NO. 4:16-cv-03759-KAW

**STIPULATION AND (PROPOSED)
ORDER TO CONTINUE THE
INITIAL CASE MANAGEMENT
CONFERENCE**

WHEREAS on July 5, 2016, defendant SYNERGY HomeCare Franchising, LLC (“Defendant”) filed a Notice of Removal removing this action from the Superior Court of the State of California, County of Alameda;

WHEREAS on July 6, 2016, the Court entered an Order Setting Initial Case Management Conference and ADR deadlines setting the Case Management Conference (“CMC”) in this action for October 4, 2016 at 1:30 p.m.;

WHEREAS on July 12, 2016, defendant SYNERGY HomeCare Franchising, LLC (“Defendant”) filed a Motion to Dismiss the Complaint, which was originally noticed for hearing on August 18, 2016;

WHEREAS on August 17, 2016, plaintiffs John Han, Alice Lai-Bitker, and Veris Eastbay Homecare, Inc. (collectively, “Plaintiffs”) filed a Motion to Remand this action to state court,

1 which is currently scheduled to be heard on October 6, 2016;

2 WHEREAS on August 17, 2016, the Court entered an Order Continuing Hearing on
3 Motion to Dismiss the Complaint and Compel Arbitration, which continued the hearing on the
4 Motion to Dismiss the Complaint to November 3, 2016;

5 WHEREAS on September 13, 2016, the parties filed a Stipulation and (Proposed) Order
6 Selecting ADR Process whereby the parties agreed to engage in court-sponsored mediation;

7 WHEREAS counsel for the parties have met and conferred and have agreed that economy
8 and efficiency support continuing the CMC until after the Court rules on any pending motions;

9 WHEREAS counsel for the parties have agreed that economy and efficiency also support
10 continuing the CMC until the parties have engaged in the court-

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1 sponsored mediation;

2 IT IS STIPULATED that (1) the parties' deadline to file their Rule 26(f) Report and Joint
3 Case Management Conference Statement be continued to December 13, 2016 and (2) the CMC be
4 continued to December 20, 2016, at 1:30 p.m.


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6 Dated: September 14, 2016

GORDON & REES LLP

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8 By: /s/ Gary A. Collis
Calvin E. Davis
Gary A. Collis
Attorneys for Defendant
SYNERGY HOMECARE
FRANCHISING, LLC

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11 Dated: September 15, 2016

MILESTONE LEGAL, P.C.

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13 By: 
Philip Milestone
Attorneys for Plaintiffs JOHN
HAN, ALICE LAI-BITKER,
and VERIS EASTBAY
HOMECARE, INC.

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17 PURSUANT TO STIPULATION, IT IS SO ORDERED:

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20 Dated: 9/21, 2016


United States Magistrate Judge